

among the most scenic areas of the country. After a preliminary investigation, the ad hoc Ohio River Group believes that an indepth study of the waterway would result in a favorable recommendation for a joint local, State, and national endeavor resulting in the designation of the river valley as a national heritage corridor.

Mr. President, as with other national heritage corridors there is a high degree of coordination and cooperation required by the various governmental entities along the river if the project is to be successful. I believe that establishing the Ohio River Corridor Study Commission—whose membership would include the Director, or designee, of the National Park Service—would be the most appropriate mechanism to begin implementation of the conceptual study.

By Mr. SIMON (for himself and Ms. MOSELEY-BRAUN):

S. 945. A bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor, and for other purposes; to the Committee on Energy and Natural Resources.

ILLINOIS AND MICHIGAN CANAL HERITAGE
CORRIDOR ESTABLISHMENT ACT

Mr. SIMON. Mr. President, today I am introducing a bill to provide for the Illinois & Michigan Canal Heritage Corridor. The purpose of this legislation is to preserve and enhance a corridor known for its nationally significant cultural and natural resources. My intention is to provide for long-term preservation, betterment, and utilization of the opportunities in the Illinois & Michigan Canal.

The Illinois & Michigan Canal National Heritage Corridor extends itself over 120 miles from Chicago to LaSalle/Peru. The Illinois & Michigan Canal was the first to be designated as a National Heritage Corridor in 1984. For years Illinoisans have been able to appreciate not only the natural beauty of the canal but also its historical interest. On both banks of the river, forests, prairies, and bird sanctuaries have been preserved. The unique architecture of this area includes buildings constructed between 1836 and 1848, architecture which no longer existed farther east, destroyed by the Chicago Fire of 1871.

The Illinois & Michigan Corridor is an innovative concept. It is the first partnership park of its kind and it is now a model for such parks throughout the Nation.

Mr. President, as with other national heritage corridors there is a high degree of coordination and cooperation required by the various governmental entities along the canal if the project is to be successful. The high historical, recreational, educational value of the canal is evident. It is my duty to seek to help preserving and protecting one of our national treasures. I believe that extending the Illinois and Michigan Canal National Heritage Corridor

Commission would be the most appropriate way to reach those goals.

By Mr. COHEN (for himself and Mr. LEVIN):

S. 946. A bill to facilitate, encourage, and provide for efficient and effective acquisition and use of modern information technology by executive agencies; to establish the position of Chief Information Officer of the United States in the Office of Management and Budget; to increase the responsibility and public accountability of the heads of the departments and agencies of the Federal Government for achieving substantial improvements in the delivery of services to the public and in other program activities through the use of modern information technology in support of agency missions; and for other purposes; to the Committee on Governmental Affairs.

FEDERAL INFORMATION TECHNOLOGY REFORM
ACT OF 1995

Mr. COHEN. Mr. President, today I rise to introduce the Federal Information Technology Reform Act of 1995. This legislation will provide much needed reform to the way the government acquires and uses computers and information technology. This legislation is critical to the future of Government as information technology becomes increasingly important in the way we manage Federal programs and responsibilities.

It was not all that long ago—less than two decades—when the business tools in most offices consisted of rotary dial telephones, IBM Selectric typewriters, sheets of carbon paper, and gallons of white-out. Today, however, it is a much different world. Offices now rely on digital telephone systems, voice and electronic mail, personal computers, and copy and fax machines. And while the office tools in Government and the private sector are similar, the Government is finding itself falling further and further behind the technology curve. The disparity between the tools of the private sector and the tools of Government is growing daily; especially in the area of information management.

The Government is the largest information manager in the world. The IRS collects more than 200 million tax forms a year. The Department of Defense has warehouses of information containing everything from declassified battle plans from the Spanish American War to financial records for the Aegis Destroyer.

The Department of Veterans Affairs has medical, educational, and insurance records for tens of millions of veterans scattered throughout the country. The Social Security Administration has hundreds of millions of records dealing with disability claims, educational benefits and payment records. In addition, all of these agencies have records dealing with personnel, travel and supply expenses. The list is endless.

The ability of Government to manage this information has a profound affect

on the daily lives of all of us. When senior citizens receive their Social Security checks, it is because a Government computer told the Treasury Department to send a check.

When we pay taxes or receive a refund, it is a Government computer that examines our tax forms, checks our math, and determines if we have paid the right amount or if we are due a refund.

When we fly, we rely on Government computers to keep planes from crashing into one another. When we watch weather reports on the evening news, the information comes from Government computers.

Government computers also keep track of patents, Government-insured loans, contractor payments, personnel and payroll records, criminal records, military inventory, and Medicaid and Medicare billings. In short, the Government keeps track of information that ensures our financial well being and is also critical to our public safety and national security needs.

But these Government information systems are headed for catastrophic failure if we fail to address the challenge of modernization. The Federal Aviation Administration, for example, relies on 1950's vacuum tube technology to monitor the safety of millions of airline passengers on a daily basis. Occasionally this antiquated technology fails, potentially putting airline passengers at risk.

Other Government computers are also failing to do the job such as failing to detect fraud in the Federal student loan program and preventing excess inventories at the Department of Defense. Inadequate technology is also largely to blame for the Justice Department's failure to collect millions in civil penalties, the Internal Revenue Service's failure to collect billions in overdue taxes, and the Department of Health and Human Service's failure to detect fraud in the Medicare program.

The underlying theme in all of the examples is that the Government does not do a good job managing its information. Poor information management is, in fact, one of the biggest threats to the Government Treasury because it leaves Government programs susceptible to waste, fraud, and abuse.

When the average taxpayer hears horror stories such as the Federal payroll clerk who was paying phantom employees and pocketing the money, or the case of the finance clerk who billed the Navy for ship parts that were never delivered, or the tax preparer who stole millions from the IRS through fictitious filings, they may not think about information management. But they certainly lose confidence in the Government's ability to manage.

My purpose in relating these incidents is not to simply recite a litany of Government horror stories. We have all heard too many of those. Instead, my purpose is to highlight how Government technology affects the lives of ordinary citizens, and to demonstrate

Refsum

CONGRESSIONAL RECORD — SENATE

S 8686

that the common denominator in these examples is the Government's failure to effectively manage information.

The problems are clear. It is equally clear that focusing on reforming how the Government approaches and acquires information technology can have a profound impact on the way Government does business in much the same way it has changed corporate America.

Last fall, I issued a report examining the Government's purchase and use of information technology. While I do not want to rehash all of the findings and recommendations, I do think some key observations are worth repeating.

Government is falling further behind the private sector in its ability to successfully apply information technology. First, the Federal Government rarely if ever examines how it does business before it automates. I recently held hearings which examined how the Pentagon could save more than \$4 billion over 5 years simply by changing the way it processed travel vouchers. Automating the current voucher processing system will neither achieve the projected savings nor the efficiencies that are accomplished through reengineering.

Second, the Federal Government has wasted billions of dollars by maintaining and updating so-called legacy or antiquated computers from the 1960's and 1970's which are ill-suited for the Government's needs and by today's standards will never be efficient or reliable.

Third, the Government wastes additional billions when we do buy replacement systems because we try to do too much at one time. These so-called megasystems are difficult to manage and are rarely successful. Without exception, megasystems cost much more than envisioned and when completed, which is rare, are generally years behind schedule. The private sector recognizes the megasystem approach as too risky and instead takes an incremental and more manageable approach. We need only look to the IRS and FAA to see examples of old systems that continue to deteriorate but have yet to be replaced because of failed modernization efforts.

Fourth, the process for buying Federal computer systems takes too long, largely because the process is inflexible and bureaucratic. In most cases, technology is obsolete by the time the new system is delivered. In a world where technology doubles every 18 months, Government can no longer afford systems that take 3 and 4 years to procure. In addition, once systems are finally delivered, agencies are then at the mercy of winning vendors for needed upgrades. These upgrades are purchased noncompetitively and any savings derived from the earlier competition are lost.

Finally, protests and the threat of protests add further delay and cost. In some cases, protests are lodged to obtain information that was not disclosed

at debriefings, to interrupt revenue flow to competitors, or to gain other competitive advantages.

The current approach to buying computers is outdated and takes little account of the competitive and fast-changing nature of the global computer industry. Markets and prices change daily, yet Government often gets locked into paying today's prices for yesterday's technology.

It is time to move Government information technology into the 21st century. That is why today I am introducing the Information Technology Management Reform Act of 1995. This legislation will significantly alter how the Government approaches and acquires information technology. The legislation would repeal the Brooks Act and establish a framework that will respond more efficiently to the needs of Government now and in the foreseeable future.

Mr. President, this legislation will make it easier for the Government to buy technology. More importantly, it is intended to make sure that before investing a dime in information technology, Government agencies will have carefully planned and justified their expenditures. Federal spending on information technology will be treated like an investment. Similar to managing an investment portfolio, decisions on whether to invest will be made based on potential return, and decisions to terminate or make additional investments will be based on performance. Much like a broker, agency management and vendor performance will be measured and rewarded based on managing risk and achieving results.

One of the most important features of the bill is that it changes the way Government approaches technology. Agencies will be encouraged—indeed required—to take a hard look at how they do business before they can spend a dollar on information technology. The idea is to ensure that we are not automating for the sake of automation. The greatest benefit from an investment in information technology can come from automating efficient processes.

The bill will make it easier to invest in information technology by replacing the current procurement system with one that is less bureaucratic and process driven. The new system is designed to allow Government to buy technology faster and for less money. This will enable us to make significant progress in replacing the inefficient and unreliable legacy systems which currently waste a significant portion of the Federal Government's \$27 billion annual information technology budget.

Specifically, the bill eliminates the delegation of procurement authority at the GSA, and establishes a National Chief Information Officer at OMB and Chief Information Officers at the major Federal agencies whose jobs are to emphasize up front planning, monitor risk management, and work with vendors to

achieve workable solutions to the Federal Government's information needs.

The legislation will also fundamentally change the Government's focus of information technology from a technical issue to a management issue. We have seen how failing to recognize information technology as a management issue has resulted in billions of dollars lost to inefficiency and abuse. From now on, Government information technology will have the attention of top management because the CIO's will have seats at the top levels of Government.

My legislation will also discourage the so-called megasystem buys. Following the private sector model, agencies will be encouraged to take an incremental approach that is more manageable and less risky.

We can no longer afford Government-unique systems. My bill makes it easy for agencies to buy commercially available products. While I understand that there are some unique needs, standard commercially available systems should be utilized for payroll and travel operations that are similar in both business and Government and for other operations whenever practicable.

The bill eliminates the current system for resolving bid protests involving information technology. Consequently, all protests will be resolved by the agencies, General Accounting Office, or the courts. While some are concerned that without the current system fairness cannot be ensured, I believe that other improvements in the procurement process required by the legislation eliminate the need for this redundancy.

I am excited about the prospect of this legislation to transform the way the Government does business. If Government is going to regain the confidence of taxpayers, it must successfully modernize. And, as you know, we cannot successfully modernize unless we can buy the tools which will enable us to automate. My legislation will lay the foundation to fundamentally change how the Government approaches the application and purchases of information technology.

If passed and implemented properly, this legislation can save taxpayers hundreds of billions of dollars by reducing overhead expenses and enabling our Government to become significantly more efficient. Changing the way Government does business and realizing the full promise and potential of technology, we can reduce the financial burden for this and future generations of Americans.

Mr. President, I urge my colleagues to support this legislation and move swiftly toward its adoption. We simply cannot afford to miss this opportunity to improve the delivery of services to the public; to increase detection of waste and fraud; and significantly reduce the cost of Government.

I ask unanimous consent to have the full text of my statement and Senator LEVIN's statement printed in the

Scott
Sawyer

Don
New
Wasserman

Do the only one

RECORD as if read, and that the bill and section-by-section analysis be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Information Technology Management Reform Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Purposes.
- Sec. 4. Definitions.

TITLE I—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

Subtitle A—General Authority

- Sec. 101. Authority of heads of executive agencies.
- Sec. 102. Superior authority of Director of Office of Management and Budget.
- Sec. 103. Repeal of central authority of the Administrator of General Services.

Subtitle B—Director of the Office of Management and Budget

- Sec. 121. Responsibility of Director.
- Sec. 122. Specific responsibilities.
- Sec. 123. Performance-based and results-based management.
- Sec. 124. Standards and guidelines for Federal information systems.
- Sec. 125. Contracting for performance of information resources management functions.
- Sec. 126. Regulations.

Subtitle C—Chief Information Officer of the United States

- Sec. 131. Office of the Chief Information Officer of the United States.
- Sec. 132. Relationship of Chief Information Officer to Director of the Office of Management and Budget; principal duties.
- Sec. 133. Additional duties.
- Sec. 134. Acquisitions under high-risk information technology programs.
- Sec. 135. Electronic data base on contractor performance.

Subtitle D—Executive Agencies

- Sec. 141. Responsibilities.
- Sec. 142. Specific authority.
- Sec. 143. Agency chief information officer.
- Sec. 144. Accountability.
- Sec. 145. Agency missions and the appropriateness of information technology initiatives.
- Sec. 146. Significant failures of programs to achieve cost, performance, or schedule goals.
- Sec. 147. Interagency support.
- Sec. 148. Monitoring of modifications in information technology acquisition programs.
- Sec. 149. Special provisions for Department of Defense.
- Sec. 150. Special provisions for Central Intelligence Agency.

Subtitle E—Federal Information Council

- Sec. 151. Establishment of Federal Information Council.
- Sec. 152. Membership.
- Sec. 153. Chairman; executive director.
- Sec. 154. Duties.
- Sec. 155. Software Review Council.

Subtitle F—Interagency Functional Groups

- Sec. 161. Establishment.
- Sec. 162. Specific functions.

Subtitle G—Congressional Oversight

- Sec. 171. Establishment and organization of Joint Committee on Information.
- Sec. 172. Responsibilities of Joint Committee on Information.
- Sec. 173. Rulemaking authority of Congress.

Subtitle H—Other Responsibilities

- Sec. 181. Responsibilities under the National Institute of Standards and Technology Act.
- Sec. 182. Responsibilities under the Computer Security Act of 1987.

TITLE II—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

Subtitle A—Procedures

- Sec. 201. Procurement procedures.
- Sec. 202. Agency process.
- Sec. 203. Incremental acquisition of information technology.
- Sec. 204. Authority to limit number of offerors.
- Sec. 205. Exception from truth in negotiation requirements.
- Sec. 206. Unrestricted competitive procurement of commercial off-the-shelf items of information technology.
- Sec. 207. Task and delivery order contracts.
- Sec. 208. Two-phase selection procedures.
- Sec. 209. Contractor share of gains and losses from cost, schedule, and performance experience.

Subtitle B—Acquisition Management

- Sec. 221. Acquisition management team.
- Sec. 222. Oversight of acquisitions.

TITLE III—SPECIAL FISCAL SUPPORT FOR INFORMATION INNOVATION

Subtitle A—Information Technology Fund

- Sec. 301. Establishment.
- Sec. 302. Accounts.

Subtitle B—Innovation Loan Account

- Sec. 321. Availability of fund for loans in support of information innovation.
- Sec. 322. Repayment of loans.
- Sec. 323. Savings from information innovations.
- Sec. 324. Funding.

Subtitle C—Common Use Account

- Sec. 331. Support of multiagency acquisitions of information technology.
- Sec. 332. Funding.

Subtitle D—Other Fiscal Policies

- Sec. 341. Limitation on use of funds.
- Sec. 342. Sense of Congress.
- Sec. 343. Review by GAO and inspectors general.

TITLE IV—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

Subtitle A—Conduct of Pilot Programs

- Sec. 401. Requirement to conduct pilot programs.
- Sec. 402. Tests of innovative procurement methods and procedures.
- Sec. 403. Evaluation criteria and plans.
- Sec. 404. Report.
- Sec. 405. Recommended legislation.
- Sec. 406. Rule of construction.

Subtitle B—Specific Pilot Programs

- Sec. 421. Share-in-savings pilot program.
- Sec. 422. Solutions-based contracting pilot program.
- Sec. 423. Pilot program for contracting for performance of acquisition functions.
- Sec. 424. Major acquisitions pilot programs.

TITLE V—OTHER INFORMATION RESOURCES MANAGEMENT REFORMS

- Sec. 501. Transfer of responsibility for FACNET.

- Sec. 502. On-line multiple award schedule ordering.
- Sec. 503. Upgrading information equipment in agency field offices.
- Sec. 504. Disposal of excess computer equipment.
- Sec. 505. Leasing information technology.
- Sec. 506. Continuation of eligibility of contractor for award of information technology contract after providing design and engineering services.
- Sec. 507. Enhanced performance incentives for information technology acquisition workforce.

TITLE VI—ACTIONS REGARDING CURRENT INFORMATION TECHNOLOGY PROGRAMS

- Sec. 601. Performance measurements.
- Sec. 602. Independent assessment of programs.
- Sec. 603. Current information technology acquisition program defined.

TITLE VII—PROCUREMENT PROTEST AUTHORITY OF THE COMPTROLLER GENERAL

- Sec. 701. Remedies.
- Sec. 702. Period for processing protests.
- Sec. 703. Definition.

TITLE VIII—RELATED TERMINATIONS, CONFORMING AMENDMENTS, AND CLERICAL AMENDMENTS

Subtitle A—Related Terminations

- Sec. 801. Office of Information and Regulatory Affairs.
- Sec. 802. Senior information resources management officials.

Subtitle B—Conforming Amendments

- Sec. 811. Amendments to title 10, United States Code.
- Sec. 812. Amendments to title 28, United States Code.
- Sec. 813. Amendments to title 31, United States Code.
- Sec. 814. Amendments to title 38, United States Code.
- Sec. 815. Provisions of title 44, United States Code, and other laws relating to certain joint committees of Congress.
- Sec. 816. Provisions of title 44, United States Code, relating to paperwork reduction.
- Sec. 817. Amendment to title 49, United States Code.
- Sec. 818. Other laws.

Subtitle B—Clerical Amendments

- Sec. 821. Amendment to title 10, United States Code.
- Sec. 822. Amendment to title 38, United States Code.
- Sec. 823. Amendments to title 44, United States Code.

TITLE IX—SAVINGS PROVISIONS

- Sec. 901. Savings provisions.

TITLE X—EFFECTIVE DATES

- Sec. 1001. Effective dates.

SEC. 2. FINDINGS.

Congress makes the following findings:

- (1) Federal information systems are critical to the lives of every American.
- (2) The efficiency and effectiveness of the Federal Government is dependent upon the effective use of information.
- (3) The Federal Government annually spends billions of dollars operating obsolete information systems.
- (4) The use of obsolete information systems severely limits the quality of the services that the Federal Government provides, the efficiency of Federal Government operations, and the capabilities of the Federal Government to account for how taxpayer dollars are spent.